

August 19, 2016

**FILED VIA ECF**

The Honorable William Alsup  
United States District Court Judge  
Northern District of California  
450 Golden Gate Avenue, 8<sup>th</sup> Floor  
San Francisco, CA 94102

Re: *Oracle America, Inc. v. Google Inc.*, Case No. 3:10-cv-03561-WHA

Dear Judge Alsup:

Pursuant to the Court's order, the parties have met and conferred in-person regarding Oracle's objections to Google's bill of costs and have **reached an agreement in total**. That agreement is set forth below:

<b><u>Category of Cost to be Taxed</u></b>	<b><u>Agreed upon amount to be taxed</u></b>
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.	\$34,800
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case.	\$281,741
Compensation for the court-appointed expert <sup>1</sup>	\$1,836,903
<b>TOTAL AMOUNT OF COSTS TO BE TAXED</b>	<b>\$2,153,444</b>

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<sup>1</sup>Oracle's Statement: Although Oracle is not currently objecting to the claimed costs for Dr. Kearl, the court-appointed expert, consistent with Oracle's previously stated positions, including those raised in ECF No. 1225, Oracle respectfully disagrees that Dr. Kearl's appointment was necessary or proper and reserves all rights to raise these arguments on appeal.

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The parties agree that the \$2,153,444 to be taxed is inclusive of the costs awarded to Google in the Court's prior costs award in connection with the 2012 trial. *See* ECF No. 1241. The parties have further agreed to stay execution of this costs award until the termination of this case, as reflected in the Joint Stipulation and [Proposed] Order filed concurrently herewith.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

KEKER & VAN NEST LLP

*/s Michelle O'Meara*

*/s Reid P. Mullen*

Michelle O'Meara  
Counsel for Oracle America, Inc.

Reid P. Mullen  
Counsel for Google Inc.

#### **GENERAL ORDER 45 ATTESTATION**

I, Reid P. Mullen, am the ECF User whose ID and password are being used to file this document. In compliance with General Order 45, X.B., I hereby attest that Michelle O'Meara, counsel for Oracle, has concurred in this filing.

*/s/ Reid P. Mullen*  
Reid P. Mullen  
Counsel for Defendant Google Inc.